

Sunset Public Hearing Questions for  
**Pest Control Board**  
Created by Section 62-21-104, *Tennessee Code Annotated*  
(Sunset termination June 2014)

1. Provide a brief introduction to the board, including information about its purpose, statutory duties, staff, and administrative attachment.

*The Pest Control Board consists of seven members appointed by the Governor of the State to four (4) year terms. The board has the following powers and duties:*

- *Advise the commissioner as to the promulgation of rules and regulations.*
- *Determine the different categories of service which will require separate charters and licenses, prescribe the required qualifications for applicants for the various licenses and charters and devise or approve the necessary examinations or testing procedures for the examination of applicants.*
- *Certify the qualifications of applicants to the commissioner requesting issuance of a license.*

*Primary staff support is provided by the Pesticide Administrator from the Regulatory Services Division (who is also a member of the board).*

*Examinations are administered quarterly for the purpose of certifying applicants for licenses, or at any time when requested by the Commissioner or by a majority of the Board.*

2. Provide a list of current members of the board and explain how membership complies with Section 62-21-104, *Tennessee Code Annotated*. Are there any vacancies on the board? If so, what steps have been taken to fill the vacancies? *There are no vacancies on the board.*

**Pest Control Board members:**

*Don Holt – Pest Control Industry (East TN)*

*Kenny Crenshaw – Pest Control Industry (West TN)*

*Frank Colvett, Jr. – Consumer (West, TN)*

*Nick Steward – Consumer (Middle TN)*

*Dr. Frank Hale – University of TN (Nashville, TN)*

*Jimmy Hopper – Commissioner's designee- Assist. Commissioner, Regulatory Services Division*

*Kathy Booker, Pesticides Administrator (representing Plant Industries)*

3. Does the board's membership include public/citizen members? **Yes** Female members? **Yes** Members of a racial minority? **Yes** Members who are 60 years of age or older? **Yes**
4. How many times did the board meet in fiscal years 2011 and 2012, and how many members were present at each meeting? *The board met 4 times in 2011 and 4 times in 2012 as follows: July 12, 2010 – 6 present; October 11, 2010 – 5 present; January 24, 2011 – 5 present; April 4, 2011 – 6 present; July 11, 2011 – 6 present; October 3, 2011 -46 present; January 9, 2012 – 5 present; and April 2, 2012- 6 present.*

5. What per diem or travel reimbursement do board members receive? How much was paid to board members during fiscal years 2011 and 2012? *Board members receive travel reimbursement based on the State of Tennessee Comprehensive Travel Regulations. The amount paid for 2011 was \$879.52 and the amount paid for 2012 \$1,201.81.*
6. What were the board's revenues (by source) and expenditures (by object) for fiscal years 2011 and 2012? *There were no revenues generated by the board for 2011 and 2012. The program code used for expenditures is, 503300, State Pesticides.*
7. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq.) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of meetings and making minutes available to the public? *The pest control board is subject to the Sunshine law requirements. The minutes are maintained at the Department of Agriculture, Regulatory Services Division, Ag Inputs & Pesticide Section. Under the Freedom of Information Act minutes would be made available upon request. The minutes from the previous meeting and agenda for the upcoming board meetings are sent via email to industry approximately two weeks prior. In addition, the board meetings, license exam dates and contact for minutes are listed on the department's web-page. Further, we have the opportunity to utilize the public participation web page and they can also be distributed to the daily newspaper in the state.*
8. Please describe what policies and procedures the board has in place to address potential conflicts of interest by board members, staff and employees. *All board members sign a conflict of interest policy after becoming appointed and is maintained in each board member's file.*
9. What were the board's major accomplishments during fiscal years 2011 and 2012? *The Pest Control Licensing and Advisory Board reviewed proposed TAPA rule changes and made recommendations. The LHA (Limited Herbicide Applicator) exam was evaluated for the possibility of being offered in Spanish. Approved applicants requesting special licenses in the areas of microbial, mold remediation, water treatment, invasive plant control, seed treatment, sewer line treatment, utility pole treatment, and poultry treatment. Reviewed the \$50,000 bond requirement for those pursuing a new charter and holding licenses in Wood Destroying Organisms (WDO), General Pest & Rodent Control (GRC), Bird Control (BDC) and Fumigation (FUM).*
10. How many different categories of service or classes requiring separate charters or licenses have been specified pursuant to Section 62-21-105(a)(2)? *There are fifteen (15) categories of license offered.*
11. How many applications for charters and licenses did the board receive during each fiscal year of 2011 and 2012? Of those, how many charters and licenses were certified to the commissioner? How many were not certified and what were the primary reasons for not certifying applicants? *There were 267 license exam applications received in 2011 and 307 in 2012. Of those applications received 232 were certified to the commissioner in 2011 and 250 in 2012. There were 7 not certified to the commissioner in 2011 and 4 in 2012 due to not meeting the qualifications. There were 55 charters issued in 2011 and 72 in 2012.*

12. Section 62-21-107 requires each application for a charter to be accompanied by a corporate surety bond. Section 62-21-108 requires each application for a charter to be accompanied by evidence that the applicant holds liability insurance and, if applying for a charter to conduct work in the wood destroying organisms category, liability insurance and errors and omissions insurance. If bond or insurance is cancelled for a charter holder, how would the board know and how quickly would the board know? What policies and procedures does the board have in place to prevent a charter holder from continuing in business if bond or insurance is cancelled? Have any charters been revoked for this reason? *There is no policy in place for the board to be notified if the bond and insurance for a charter holder has been cancelled. The bonding and insurance companies notify the Regulatory Services Division, Pesticide Section in writing when a cancellation takes place and the appropriate action is taken upon receipt, which consist of certified letters being sent, if no success, a certificate of hand delivery is attempted. The final step is to pursue revocation through the administrative procedures act. 1 charter has been revoked due to lack of bond and insurance.*
13. What reports does the board prepare concerning its activities, operations and accomplishments? Who receives copies of these reports? Please attach copies of any such reports issued during fiscal years 2011 and 2012. *The board does not prepare reports, however, minutes are kept of each Board meeting and maintained at the Regulatory Services Division, Ag Inputs & Pesticides Section, including a Pass/Fail tally sheet of the exam results. Copies of the minutes and tally sheets are sent to all Board members and are made available to interested parties upon request.*
14. Has the board advised the commissioner regarding promulgation of rules as authorized in Section 62-21-105(a)(1)? Please cite the reference for rules pertaining to the activities of the board. *At present, no new rules or rule amendment proposals have been presented by the board to the commissioner.*
15. Describe any items related to the board that require legislative attention and your proposed legislative changes. *Currently, there are no proposed legislative changes.*
16. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare? *The Board should be continued for purposes of determining the license exam process, qualifications, and making recommendations for rule revisions and other issues brought before the board for consideration. By having an inclusive group on the board, various situations can be evaluated from several perspectives and not just from the perspective of staff or industry. The absence of the board would have a potential affect on the health, safety, welfare, and environment of the state since the board does certify the qualifications of those seeking licenses and charters in the state.*
17. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity. *This Board does not receive federal financial assistance.*

***If the board does receive federal assistance, please answer questions 18 through 25. If the board does not receive federal assistance, proceed directly to question 24.***

18. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.
19. Does your board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
20. To which state or federal agency (if any) does your board report concerning Title VI? Please describe the information your board submits to the state or federal government and/or provide a copy of the most recent report submitted.
21. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.
22. Describe your board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.
23. Please describe the board's procedures for handling Title VI complaints. Has your board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
24. Please provide a breakdown of current board staff by title, ethnicity, and gender.

*Don Holt – Pest Control Industry (East TN); Board Member; white; male*  
*Kenny Crewshaw – Pest Control Industry (West TN); Board Member; white; male*  
*Nick Steward – Consumer (Antioch, TN); Board Member; African American; male*  
*Frank Colvett, Jr. – Consumer (West TN); Board Member; white; male*  
*Dr. Frank Hale – University of TN (Nashville, TN); Board Member; white; male*  
*Jimmy Hopper – Assist. Commissioner Regulatory Services Division; Commissioners Designee; Board Member; white; male; staff*  
*Kathy Booker, Pesticides Administrator (representing Plant Industries); Board Member; African American; female; staff*

25. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner. *NA*